In re application of:

Group Art Unit:

1654

MICHAEL P. WENNIGER

Examiner:

Unknown

Serial No.:

10/709,746

Filed:

May 26, 2004

For:

NUTRITIONAL WEIGHT LOSS AGENT AND METHOD

Attorney Docket No.: FUNU 0102 PUSP

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and § 1.97-1.98, the references listed and identified on the attached Forms PTO/SB08A and/or SB08B are being submitted herewith for consideration by the Examiner.

While this Statement is being filed in compliance with the duty of disclosure, citation of the attached references is not to be construed as an admission that any of the reference(s) are "material" as defined under 37 C.F.R. § 1.56(b).

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313(1)450 on:

August 18, 2004 **Date of Deposit**

Name of Person Signing

Michael S. Brodbine

Signature

Since the filing date of this application is after June 30, 2003, copies of the cited U.S. patent/application references have not been included. Consideration and entry into the record of these references is respectfully requested.

Respectfully submitted,

MICHAEL P. WENNIGER

By:_

Michael S. Brodbine

Reg. No. 38,392

Attorney for Applicant

Date: August 18, 2004

BROOKS KUSHMAN P.C.

1000 Town Center, 22nd Floor Southfield, MI 48075-1238

Phone: 248-358-4400 Fax: 248-358-3351

PTO/SB/08A (10-96) [MODIFIED]
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1449A/PTO				Complete if Known		
				Application Number	10/709,746	
	MATION D			Filing Date	May 26, 2004	
STATEMENT BY APPLICANT				First Named Inventor	Michael P. Wenniger	
				Group Art Unit	1654	
(4	use as many sheets	s as ne	ecessary)	Examiner Name	Unknown	
Sheet	1	of	1	Attorney Docket Number	FUNU 0102 PUSP	

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.1		ENT Code ² (nown)		Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2002/0187204 A1		Alviar et al.	12-12-2002	
		2002/0077233 A1		Zuckerman	04-24-2003	
		2003/0086960 A1		Seielstad et al.	05-08-2003	
		2003/0103910 A1		Barreca	06-05-2003	
		5,626,849		Hastings et al.	05-06-1997	
		6,413,545		Alviar et al.	06-02-2002	
		6,491,540		Barreca	12-10-2002	
,						
			,			
					•	
						-

	FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite	Office ³	Foreign Patent Doo	ument Kind Code ⁵ (<i>if known</i>)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
					<u></u>			

1-1-1-1		
Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.